

**d.) Remarks**

In the present Action, only claims 12 and 17 stand rejected over the Liao and Liao/Sakamoto references. Liao describes a touch screen and sensing pen having a plurality of switches for connecting a coil within the pen to form different LC loops that operate at different resonant frequencies. The coil is energized by a RF field radiated by the touch screen unit. The touch screen unit receives RF signals from the pen to indicate a mouse click or the like.

The rejection states that the pen of Liao can be broadly interpreted as a post. Applicant asserts that this interpretation is without merit either logically or factually. A post is a fixed structural member, whereas a pen is an instrument for writing or drawing that is wielded by the hand to move across a writing surface. A post is fixed; a pen is not fixed, but moveable – in fact, as moveable as it can be made. In other words, try writing your name with a post!

In furtherance of this distinction, applicant has amended claim 12 to state even more clearly that the post assembly is adapted to operate in stationary fashion at one location on the touch screen. This language clearly sets forth the dissimilarity noted above: the post assembly operates while immobile, whereas the pen of the reference is necessarily wielded by hand to “operate” and move across the surface. It is asserted that the amendment to claim 12 renders it patentably distinct from the prior art, and should now be allowed.

Claim 17 is directed to the pen embodiment of the invention, and in particular to the cover means on the barrel of the pen for selectively blocking or enabling actuation of a switch mounted on the barrel. The rejection is based on

Liao combined with Sakamoto, the latter being cited for a showing of a cover for a click button on a computer mouse. The mouse is designed for far different manual interaction than a pen, in that a mouse is supported on a flat surface and is pushed by hand on the flat surface to move a computer cursor. In contrast, a pen device is continually supported by the hand that wields it, thereby requiring constant grip and contact by the hand.

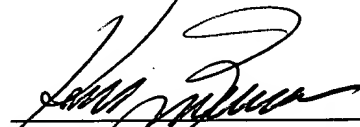
This functional distinction is carried forward in the structural differences between Sakamoto and the present invention. In Sakamoto, the switch covers are hinged, curved panels that pivot upwardly and away from the hand-engaging surface of the mouse, to appear like animal ears and the like when opened. It would be unwieldy at the very least to employ the hinged curved panels of Sakamoto in a pen device, which requires manual grip and support on a continuing basis, given the fact that curved panels jutting out from the pen barrel would make it difficult to wield the pen with an acceptable degree of comfort. Conversely, Sakamoto fails to teach the use of a sleeve-like member that moves over the surface of the pen to selectively block or admit access to the switch on the pen barrel. Note that the sleeve-like member does not change the diameter or grip of the pen, whereas the hinged curved panels of the reference create an enormous change in shape when they are opened and are clearly unsuitable for use on a pen.

These functional and structural distinctions have been emphasized in new language added to claim 17. The claim now states that the cover means includes a sleeve-like member extending conformally about a portion of the barrel of the pen. Sakamoto does not teach this, nor suggest it. The claim further recites that

the sleeve-like member is selectively movable concentrically on the barrel to cover and uncover the touch contact means and prevent or enable operation of the touch contact means. Sakamoto does not teach nor suggest this feature either. It is clear that claim 17 now patentably defines the invention over the prior art, and is allowable.

All claims now presented have been indicated as allowed or allowable, or have been amended to become allowable, and this application is now in condition for issuance. Action toward that end is earnestly solicited.

Respectfully Submitted,

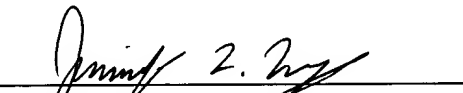


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